

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00611 WHA
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER EXCLUDING
	)	TIME UNDER THE SPEEDY TRIAL
v.	)	ACT, 18 U.S.C. § 3161 <i>ET SEQ.</i>
	)	
DALE SCOTT HEINEMAN,	)	
KURT F. JOHNSON,	)	
THE DOREAN GROUP,	)	
WILLIAM JULIAN,	)	
FARREL J. LECOMPTE, JR.,	)	
SARA J. MAGOON	)	
a/k/a Credence, and	)	
CHARLES DEWEY TOBIAS,	)	
	)	
Defendants.	)	

Based upon the record made at the parties' appearance before this Court on June 13, 2006, IT IS HEREBY ORDERED that the time from June 13, 2006 to July 18, 2006 is excluded from the time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on grounds of: (1) the need for effective preparation by counsel and *pro se* defendants Heineman and Johnson, taking into account the exercise of due diligence pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), to review tens of thousands of pages of discovery produced in electronic format as well as the supplemental discovery recently provided by the government; (2)

~~PROPOSED~~ ORDER

1 continuity of counsel pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), given that counsel for defendant  
2 Tobias, Mr. Cohen, is presently out of the country for court-related business; (3) the complexity  
3 of this case pursuant to 18 U.S.C. § 3161(h)(8)(B)(ii), where a 68-count indictment has been  
4 returned charging defendants with, *inter alia*, mail fraud, bank fraud, and conspiracy to commit  
5 mail fraud, wire fraud and bank fraud for conduct relating to a purported debt elimination  
6 program and more than 120,000 pages of discovery have been produced; and (4) the ends of  
7 justice are served and outweigh the best interest of the public and the defendants in a speedy trial  
8 by excluding this period of time under the Speedy Trial Act pursuant to 18 U.S.C. §  
9 3161(h)(8)(A) for all reasons set forth above.

10 IT IS SO ORDERED.

11 Dated: June 15, 2006

